Background Discussion of Prior Art:

Paragraph 2 of page 2 has been amended as follows:

An effective team value/reward system consists of three parts; a) a protocol for observing team activity, b) a method and system for measuring team-member performance, and c) a method and system for reporting team-member actions contributing to team achievement. An example of a compatible protocol and measuring system is the subject of ~~pending~~ U.S. patent application number 09/571,874, filing date 05/13/2000, now U.S. Patent No. 6,496,812. The scope of the present invention is c) a method and system for reporting team-member actions contributing to team achievement. It gathers and transmits data to a central processor where it is processed to produce an analysis of team-member contributions to team achievement.

Paragraph 4 of page 2 has been amended as follows:

The deficiencies of existing methods for investigating and reporting the causes for winning team contests are as follows:

a) Provide no means to report the discovery ~~of the discovery~~ of team-member actions and collaborations that are causal to team achievement,

b) Provide no means for teaching a methodology for observing and reporting team-member collaborations that are causal to team achievement,

c) Provide no means for team-members to report their own contributions to team achievement,

d) Provide no means to report discovery of successful team-member actions and collaborations to contest participants during the remainder of an on-going contest,

e) Provide no means for reporters to collaborate while observing the contest.

Paragraph 3, page 7 has been modified as follows:

Detailed Description of the Invention:

Basic Structure of a Preferred Embodiment of the Invention

The preferred embodiment of the present invention utilizes a pre-determined model for achieving a group goal that provides a common protocol for observing a CONTEST and a common value system to identify valued team-member actions. An exemplary model is defined in ~~pending~~ U.S. patent application number 09/571,874, filing date 05/13/2000, now U. S. Patent No. 6,496,812. However, other models for achieving a group goal could be employed.

Paragraph beginning at line 33 on page 10 has been modified as follows:

Parser Mechanism 500

Processes the report data using a Java Servlet operating on a lower priority thread when system resources become available. This mechanism parses each ASPECT report data stream into data elements and populates a report object. It then makes the parsed report persistent in the centralized database. The Parser Mechanism maintains a reference to the last data stream that was parsed. This serves as a marker to identify new reports ~~the~~ that must be parsed. This mechanism operates by periodically parsing data streams in queue, then sleeping in a timed sequence.

Paragraph 3 on page 13 has been modified as follows:

Step 3:

The REPORTER chooses a particular CONTEST from a list, and then chooses an ASPECT to report. A matrix showing the number of REPORTERs who have already made commitments to report on specific ASPECTs of his chosen CONTEST guides his choice. REPORTERs are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST. By adding ASPECT instance reports to the pool of CONTEST information submitted by all REPORTERs, a REPORTER qualifies to receive analyses ~~derrived~~ derived from the pool of information submitted by all REPORTERs. This gives the REPORTER expanded insight to

causality for the team achievement that he would not have gained as a single observer. Inputs to Step 3 are CONTEST, ASPECT and Team. Output for Step 3 is a Java Server Page data entry form for reporting the ASPECT specified in the input.

The last paragraph on page 17 has been modified as follows:

This preferred embodiment of the present invention utilizes a protocol for observing the Basketball game that enables fans to focus on one or more of the critical few PLAYER actions that contribute to their team's achievement. It also utilizes a value system demonstrated to be consistent with winning, for the fan to use in identifying effective PLAYER actions. The protocol and value system being used are described in ~~pending~~ U.S. patent application number 09/571,874, filing date 05/13/2000, now U.S. Patent No. 6,496,812. This methodology breaks the CONTEST into a set of elemental CONTESTs called POSSESSIONs. A POSSESSION represents a unique pursuit of a team goal, beginning with the successful acquisition of the resources required to achieve that goal (ball), and proceeding with the enhancement of those resources (create shooting opportunity) by stages until the team goal is achieved (shooting to score points), the resources are lost, or the CONTEST duration is exceeded (game-clock time).

Paragraph 2 on page 19 has been modified as follows:

Operation

Fans do not have to be present at the game to report the game activities. Watching on TV is sufficient to hear and see everything necessary to report most relevant ASPECTs of

the game. According to the value/reward system being employed in this embodiment, relevant ASPECTs ~~including~~ include acquiring control of the Basketball, creating a scoring opportunity, shooting to score points and the game-clock time that PLAYERs enter and leave the game. Actions are only valued if they result in points being scored in a POSSESSION. A fan must identify a potentially valued action and continue to follow the play to see if the action is part of a successful sequence resulting in points scored. If points are scored, the potentially valued action becomes a valued action and the fan submits his ASPECT instance report for this POSSESSION. Fans viewing the game on TV can submit their reports in one or more ways. These ways include via personal computer, interactive TV remote control, wireless phone or Internet access device. Their reports are transmitted to a centralized Internet server and become part of a pool of reports from which representative reports are selected to construct a composite report of all ASPECTs of the game. Fans only have to report on one ASPECT to gain access to the composite information compiled from all fan reports. Fans are allowed to ~~chose~~ choose the ASPECT they will report. They are encouraged to cooperate by selecting an ASPECT with a relatively low level of fan coverage, thus promoting adequate coverage of all relevant ASPECTS of the game and producing a complete CONTEST report.

~~P~~aragraph 3 on page 19 has been modified as follows:

By cooperating as a community in this way, fan REPORTERs learn and reap the benefits of teamwork themselves. Each fan REPORTER gains access to the pool of data gathered by all fans and processed by this system. This valuable

information can also be used to benefit the game contestants. The game analysis produced from fan reports can be fed to the coaches and PLAYERS to guide competitive strategy as the game continues. A participant in the CONTEST can access the cumulative POSSESSION reports as they are processed and communicate the ~~rewults of~~ results to the PLAYERs. As shown in FIG. ~~11~~ 6, the fan will play an important part in determining the success of his team. This adds to the fun and entertainment value and increases the motivation for fans to participate. A by-product of this game is the learning experience. Fans are educated in the factors that produce a winning team effort. When they choose an ASPECT to report, they are presented with the ASPECT Measurement Rules for reporting PLAYER actions that have been demonstrated to produce winning results. By learning to recognize these PLAYER actions and collaborations, the fan learns the underlying factors that contribute to a winning team effort. This added insight creates a community of fans who find entertainment in collaborating via the invention's online Internet Chat Mechanism.

Paragraph 2 on page 22 has been modified as follows:

In this scenario, a Managing Third Party pre-determines a protocol for observing the selling process that enables the REPORTER to focus on the critical few PLAYER actions that contribute to a sale. A Managing Third Party would also set the value system for the REPORTER to use in judging the effectiveness of PLAYERs' actions. The protocol and value system of this preferred embodiment are described in

~~pending~~ U.S. patent application number 09/571,874, filing date 05/13/2000, now U.S. Patent No. 6,496,812. A Managing Third Party would also pre-determine the total sales compensation to be distributed among the Selling-Team PLAYERs. CONTEST results would be published for analysis by Selling-Team members and the Managing Third Party.

Paragraph 3 on page 22 has been modified as follows:

Conclusion:

Exploiting the full potential of team synergy remains one of the most important opportunities of the twenty-first century. Doing so will improve team productivity and provide enormous economic and social benefit for mankind. Existing methods and systems for reporting team-member contributions to team achievement do not identify the critical few team-member actions; they do not segment the reporting task into ASPECTs that can be comprehended in real-time by a single reporter; and they don't teach a methodology for observing and reporting team-member collaboration. There is a compelling need in all areas of human endeavor for an effective method for valuing, measuring and reporting a team-member's contribution to the achievement of a team goal. This invention is a method and system for gathering and transmitting data to a central processor where it is processed to produce an analysis of team-member contributions to team achievement. It uses a team-member interaction protocol for viewing the team in action and ~~incorporating~~ incorporates a value system to help the REPORTER focus on the critical few ASPECTs of the CONTEST. The measurement process is made easier by

allowing each REPORTER to focus on one ASPECT for his REPORTs. In return, he benefits from receiving the consolidated CONTEST report derived from all relevant ASPECTs of the CONTEST.

Applicant requests approval to replace the present linked referenced matter from U.S. Patent Application number 09/571,874, now U.S. Patent No. 6,496,812; by moving that matter into the present Specification. This is done to clarify the substitute claims.

Add the following, excerpted substantially from U.S. Patent No. 6,496,812 (4:43-59), to the first paragraph on page 5:

process by a REPORTER; and used to determine conformance of that REPORTER's measurements, to a standard measurement value for an ASPECT instance.

8. Process flow abstraction called SKILL LEVEL that represents the level of competence attained by a REPORTER. To attain a specific SKILL LEVEL, the REPORTER must achieve a prescribed standard of performance as determined by the ERROR CORRECTION CODE values of his submitted ASPECT measurements as well as completeness and timeliness of his reports.

9. process flow abstraction called TEAM-MEMBER INTERACTION PROTOCOL (TIP) shown in FIG. 14 that governs team-member interaction during a CONTEST. The protocol stipulates low priority two-way peer-to-peer communication among all PLAYERs and overlays a higher priority star topology two-way communication which places the empowered PLAYER with the role as STEWARD at the center of the star. The Steward's communications have highest priority.
10. process flow abstraction within the TEAM-MEMBER INTERACTION PROTOCOL, called STEWARD which represents a role taken on by a PLAYER that empowers that PLAYER to protect team resources and advance a POSSESSION toward goal achievement.

Add the following, excerpted substantially from U.S. Patent No. 6,496,812 (5:45-58), to the first paragraph on page 7:

for that CONTEST. This enables the REPORTER to collaborate with other REPORTERs covering that CONTEST.
13. Observer Mechanism 1300 shown in FIG. 15 that performs the REPORTER role, for a team of artificially intelligent machines or computer PLAYERs. This mechanism consists of neural network software programs called Observers that monitor the communication patterns and data-transfers between PLAYERs in the context of the TIP. This mechanism, through its self-learning neural networks, identifies potentially valuable sequences of activity for scrutiny by the REPORTER without requiring all alternatives to be explored. This mechanized judging function enables a group of artificially intelligent machines or computers to self-manage their interactions while they craft a solution to a

group goal given only partial knowledge of how to achieve it.

Add the following to the first paragraph on page 17:

Description of Drawings:

Figure 10 - shows Report Management Process Sequence

Figure 11 - shows Quality Feedback Process Sequence

Figure 12 - shows Team-member managed Reward System

Figure 13 - shows Self-Organized Collective Reporting Process

Figure 14 - shows Team-Member Interaction Protocol (TIP)

Figure 15 - shows Observer Mechanism 1300

Add the following, excerpted substantially from U.S. Patent No. 6,496,812 (16:11-39), preceding the Conclusion on page 22:

Third Preferred Embodiment

In another preferred embodiment of this invention that applies to groups of computers working on a common task, re-enforcement learning neural network software agents are included in the Observer Mechanism to fulfill the REPORTER function. In this case the TIP (FIG.14) is embodied in the collection of software programs including the neural network agents, called the Observer Mechanism shown in FIG.15. A neural network software agent is a component part of an Observer that is associated with each Player. The Observer's function is to monitor the flow of communication and data to and from that Player to identify potentially valuable player action sequences. It is used to acquire experience to decide which alternative action sequences to explore for valued actions. One Observer will

communicate with the other Observers using a peer-to-peer network to gather communication data. The STEWARD's intelligent software agent observes the interaction between Players by accessing the Observer associated with each Player. The Observer residing on the Player computer with the current Steward role communicates with the other Observers using a star network topology that is overlaid on the peer-to-peer topology. This invention enables the team of computers to self-manage the process of integrating its members' activities while crafting a solution to attain a team goal when given only partial knowledge of how to achieve it.

Conclusion:

Exploiting the full potential of team synergy remains one of the most important opportunities of the twenty-first century. Doing so will improve team productivity and provide enormous economic and social benefit for mankind. Existing methods and systems for reporting team-member contributions to team achievement do not identify the critical few team-member actions; they do not segment the

Substitute the following corrected FIG. 9 for the corresponding FIG.9 on file.

Applicant requests approval to replace the present linked referenced matter from U.S. Patent Application number 09/571,874, now U.S. Patent No. 6,496,812; by moving that matter into the present Drawings. This is done to clarify the substitute claims as follows:

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Applicant requests permission to add the following FIG. 13 at the suggestion of Examiner Binh-An D. Nguyen during phone interview for the purpose of adding clarity and support of the independent claim with the most limitations (claim 11) as follows:

b) Steward, representing a Player empowered to decide the course of group action in pursuit of the group goal;

c) Reporter/Observer, representing a neural network software agent that monitors said player's communications and data transfers with other group-members; and

d) means for software embodied in a computer to evaluate the instant activity observed by the Observer and immediately relate processed information appropriate for share awards to group members facilitating integration of activity incrementing group activity development for goal achievement.

REMARKS--General

By the above amendment, Applicant has rewritten the Title and Abstract to emphasize the novelty of the invention and add clarity, and amended the Specification and FIG.9 to correct errors. The applicant has also moved referenced material into the Specification and Drawings for increased clarity. **It is the belief of the applicant that these clarifying modifications move referenced matter into the Specification and Drawings but as such add no new matter to the Specification or Drawings.** If in the opinion of the

examiner, he decides otherwise, the applicant requests the examiner's help to put the Specification and Drawings in condition for allowance. Also applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentability over the prior art. **In this Office Action the applicant will refer to the Patent Application for the present invention as "Campaigne" and the cited reference as "Birch".**

The Rejection of Claims 1-5 and 7-10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Original claims 1-10 have been replaced by claims 11-25, in order to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In the first Independent Claim (claim 11), the subject matter comprises, "A method for a plurality of reporters collectively self-organizing to share the task of identifying, judging and recording team-member activity

that is causal to team achievement". The self-organizing feature is described in step 3 of System Operation, and the method steps are described in the Preferred Embodiments. The means for achieving these improvements are described in the Specification as follows:

a) team-member interaction protocol, an example of which is declared in the Specification's Basic Structure of a Preferred Embodiment of the Invention (paragraph 1), namely "common protocol" or the Team-member Interaction Protocol (TIP) defined in U.S. 6,496,812 (4:43, FIG. 3). In U.S. 6,496,812, the TIP is used to guide the collaboration of group members. In the present application, the TIP is used by REPORTERs to create a common perspective for anticipating, identifying and judging group-member (PLAYER) activity;

b) means for measuring and valuing, an exemplary model of which is declared in the Specification's Basic Structure of a Preferred Embodiment of the Invention (paragraph 1), namely "common value system" and defined in pending US patent application 09/571,874 now U.S.6,496,812;

c) means for recording and processing are described in the Reporter Administration System of the Specification;

d) means for guiding REPORTERs on integrating their activities is described in Sign-up Mechanism 300 and Step 3

of System Operation, and the Operation Section of the Preferred Embodiment in the Specification.

Claim 12, security means, is described in the Specification's FIG. 5 (Hostile Attack Value) and paragraph 2 of Basic Structure of a Preferred Embodiment of the Invention and in Report Management System Filter Mechanism 600. Claim 13, "further comprising refining reporting skills by re-enforcement learning means", is described in the Specification's Quality Feedback System, FIG. 1, and FIG. 11 and Steps 6 - 8 of System Operation. Claim 14, "REPORTERs as participants in the on-going contest", is described in the Specification's Basic Structure of a Preferred Embodiment of the Invention (paragraph 5), FIG. 6 and the Conclusion. Claim 15, "no centralized or external control", is described in the Specification's Basic Structure of a Preferred Embodiment of the Invention (third paragraph and next to last paragraph), Steps 3 and 8 of System Operation, Preferred Embodiment (paragraph 4), Second Preferred Embodiment (paragraph 2) and FIG.12. Claim 16, developing refinements and additions to reporting rules, is described in the Specification's Step 8 of System Operation and Preferred Embodiment (paragraph 4).

Claim 25, REPORTER/Observer is unsupervised neural network, is integral to the exemplary model, pointed out in the Specification's Basic Structure of a Preferred Embodiment of the Invention (paragraph 1), and in Background (paragraph 4) as "system for reporting team-member actions contributing to team achievement" and in Summary (No. 6). Reporter/Observer of claim 25, which mechanizes the TEAM-MEMBER INTERACTION PROTOCOL of Claim 11 is particularly pointed out in 16:11-16:39 and FIG. 14 of U.S. 6,496,812. These distinct links in the Specification point directly to the detailed description of the REPORTER/Observer in the public U.S. 6,496,812 and satisfy the requirement to particularly point out.

The remaining re-written claims are also particularly pointed out in the Specification.

Accordingly, applicant requests reconsideration and withdrawal of this objection.

The Rejection of Claims 1-10 under 35 U.S.C. &103(a) As being unpatentable over Birch et al. (6,292,706) in view of one of ordinary skill in the art.

The applicant requests reconsideration of re-written claims 11-25 and withdrawal of this objection, on the basis of the following assertions:

Campaigne has a different mode of operation than Birch

Birch teaches a method for reporting player activity, however, it is not part of the game metaphor as in Campaigne. Birch's Scouts enter data into a database as a background maintenance function. Birch's preferred embodiment is the game of baseball which does not anticipate the characteristics which are embodied in Campaigne, i.e., complex action with an accelerated pace or protracted pace that makes it difficult for a REPORTER to gain more than a superficial understanding of the causality for team achievement while observing the CONTEST. Birch's Scouts are under centralized control for training and organization. Campaigne distinguishes over Birch by anticipating large numbers of untrained REPORTERs who will self-organize and self-train by playing Campaigne's game.

Campaigne Produces New and Unexpected Results

Prior art research declares, "Social Structures that take advantage of our inherent, self-organizing social dynamics will be best enabled to cope with our increasingly complex

world."[1]. Campaigne harnesses this self-organizing social dynamic (Claim 11d) to provide new and unexpected results. Campaigne enables anyone to join a community of interested reporters and begin to identify and report the critical few team-member actions and collaborations that are causal to winning a contest. Campaigne's REPORTERs learn to be better reporters by learning the underlying factors that contribute to winning; how teams achieve a goal while having only partial understanding of how to do so; and also how to cooperate within their own self-organized group of REPORTERs. Campaigne distinguishes over Birch by extending these unexpected results to situations that are complex in nature and where the accelerated or protracted pace of activity of team competitions made these results unattainable before Campaigne.

In addition, Campaigne achieves the unexpected result of indirectly integrating the REPORTER into the CONTEST being reported via Campaigne's means for providing immediate feedback to PLAYERs. Through Campaigne's self-managing

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[1] Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.404.

feature REPORTERs also learn to cooperate with fellow REPORTERs. If they don't cooperate to collectively provide complete coverage, they learn that the reporting results will be incomplete and all REPORTERs will suffer the loss of total information which they seek.

Campaigne's innovative design allows for mass use over the internet. An unexpected result is the large number of people who, by Campaigne are becoming enlightened with greater understanding of how they can solve complex problems as team members.

Campaigne Solves Unrecognized Problem

Before Campaigne, the complex nature and the accelerated or protracted pace of activity of many team competitions made it impractical for one or more reporters to identify the critical few team-member actions and collaborations that are causal to winning the contest. Consequently, reporting was subjective and inconsistent and the critical few team-member actions and collaborations that are causal to winning were not identified. One skilled in the art at the time of Birch's filing did not anticipate this problem. The problem was first recognized in prior art in the field of advanced research at Los Alamos National Laboratory after Birch's filing date:

"We have argued that a dynamic process underlies all life: the ability of self-organizing systems to 'solve' essential

problems, will take on new functionality as our society increasingly utilizes the Net for human interaction."p.407[2]

"Furthermore, in the same manner as to how society self-organized to solve problems of survival, the same processes on the Net will result in self-organization of knowledge. Because self-organizing knowledge arises from diverse contributions and can encompass knowledge greater than the contribution of any individual, there is the arguable potential of creating knowledge that will contribute to solutions that are not understandable within our current processes."p.405[3]

To solve these problems, Campaigne includes the TEAM-MEMBER INTERACTION PROTOCOL (claim 11a) for the collective discovery of valued action sequences by plural reporters in a complex, fast-paced environment, and novel measuring and valuing system (claim 11b) to identify the critical few actions and collaborations.

Campaigne Creates Unappreciated Advantage

Campaigne creates the possibility for large numbers of humans (REPORTERs) to self-organize on the internet to learn how to identify the critical few team-member actions that contribute to achieving a team goal. This achieves the unappreciated advantage of creating awareness in REPORTERs of how they can use this knowledge to be more effective team-members, themselves. Advanced research has found, "Self-organizing social dynamics has been an

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[2] Proceedings of the 6th International Conference on Artificial Life, at University of California at Los Angeles, June 26-29, 1998; "Symbiotic Intelligence: Self-Organizing Knowledge on Distributed Networks Driven by Human Interaction", p.407.

[3] Ibid p. 405.

unappreciated positive force in our social development and has been significantly extended, as least in scope, by new technologies."p.404[4]

Although reliance by humans on group effort predates recorded history, high performance team effort is a rare occurrence. This is because as the literature states, "Individuality and self-preservation remain the rule, shared responsibility based on trusting others is the exception. A reluctance to take a risk and submit one's fate to the performance of a team, therefore, is almost inbred"[5]. The theme of teamwork emerges as, a) the team-work of PLAYERs is measured, and in the process, REPORTERs learn how to identify and value teamwork, b) PLAYERs use the reported results to improve their own teamwork, c) REPORTERs cooperate to achieve complete ASPECT coverage of a CONTEST, d) REPORTERs collaborate with each other to learn effective reporting techniques and participate in refining the ASPECT Reporting Rules.

Prior Art Lacks Suggestion of Modification

Birch's "Scouts" are not central to its invention because they are not participants in the game. They are relegated to a background data entry role that is vaguely described. Since their organization and training is not described one can conclude that centralized training and centralized organizational control of the Scouts is anticipated by Birch. Birch does not suggest that Scouts could be comprised by a large number of inexperienced observers. Consequently, Campaigne distinguishes over Birch by its decentralized training and decentralized organization of

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[4] Ibid p. 404.

[5] The Wisdom of Teams; creating the high-performance organization; Jon R. Katzenbach, Douglas K. Smith; Harvard Business School Press, 1993 Boston, MA.

its reporters which are not anticipated by Birch. "One skilled in the art" at the time of Birch would not have discerned that the benefits of self-organization or self-training out weighs the potential cost burden of preventing reporting errors or lapses in complete reporting coverage which are anticipated and compensated for in Campaigne. At the time of Birch's filing, only those skilled in the very different art of Symbiotic Intelligence research in the field of Artificial Intelligence were aware of this insight as the references from the Proceedings of the International Conference on Artificial Intelligence illustrates. Campaigne provides a method for guiding first time reporters on how to integrate their reporting activities to achieve the goal of self-organizing to collectively provide complete and consistent reporting coverage for a contest, when given only partial understanding of how they can achieve said goal. Campaigne includes re-enforcement learning for self-training of inexperienced reporters on reporting skills and a means to guide self-organization to collectively provide complete reporting coverage for a contest. Birch lacks any suggestion that it should be modified to meet Campaigne's claims.

Commercial Success of hardwoodthunder

hardwoodthunder.com has been introduced as the first implementation of this system and method. Exhibit 1 shows the home page and an explanation of how to play the game. The following quote indicates the novelty and unobviousness (at the time of Birch) of Campaigne as evidenced by the market need, "If the networks want that mass audience, they're going to have to bring an interactive element into the experience or they're just going to have smaller and aging audiences. Sports is a good place to start

experimenting with realtime re-purposing of TV programming, Mr. Zey adds. Sporting events [are] one of the few things left that people need to experience in real time..."[6]

The applicant requests consideration of this claim in light of the following court findings:

Must Suggest Desirability to Constitute Anticipation

It is well known that in order for any prior-art references themselves to be validly combined for use in a prior-art & 103 rejection, the references themselves(or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings."

Examiner Must Provide Evidence of Obviousness

In line with these decisions, recently the Board stated in Ex parte Levengood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art *would have been led* to combine the relevant teachings of the applied references in

[6] The Christian Science Monitor, , "Missing: TV's male audience", p. 19 Friday November 7, 2003

the proposed manner to arrive at the claimed invention--That which is within the capabilities of one skilled in the art is not synonymous with obviousness--That one can *reconstruct* and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention--Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.'--Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

The applicant requests reconsideration and withdrawal of the objection of obviousness of claim 11, on the basis that the claim defines novel structure that produces new and unexpected results, and would not have been obvious to a person of ordinary skill in the art at the time Birch's invention was made. Applicant submits that such claim is clearly patentable.

Applicant requests reconsideration of claims 12-25 and withdrawal of the objection of obviousness on the basis of the following assertions:

Revised dependent claims 12-16 and 18-23 and independent claims 17,24,25 incorporate all the subject matter of claim 11 and add additional subject matter which makes them a fortiori and independently patentable over Birch.

Conclusion

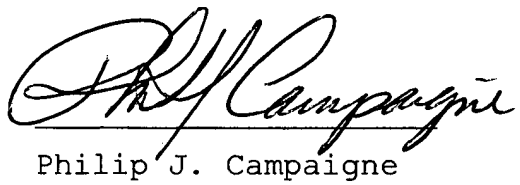
The applicant has reviewed all the non-applied references and has determined that none shows Campaigne's invention or renders it obvious. For all of the above reasons, applicant submits that the specification, drawings, title, abstract and claims are now in proper form, and that the claims all define patently over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Conditional Request for Constructive Assistance

Applicant has amended the specification, drawings, title, abstract and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, **applicant respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P & 2173.02 and & 707,07(j)** in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Very respectfully,



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